IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.801 OF 2005

Smt.Jayashre K. Raut ....Petitioner

Versus

The Education Officer, BMC, & Ors. ....Respondents

Mr. N.M. Ganguli with Ms. Suchitra Kamble for the Petitioner

Mrs. Priti Purandare for Respondent Nos. 1 and 2

Mr. Milind More, Assistant Government Pleader,
for Respondent No.3

Mr. C. M. Lokesh for Respondent Nos. 4 and 5.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : JUNE 20, 2005.

P.C. :

1. We have heard the learned counsel for the parties.

2. The short grievance of the Petition is that the order dated 23rd February, 2005 was passed by Mr. B.R.S. Rehman,

who had, in fact, never heard this matter at any time. It is alleged that the matter was, in fact, heard at length by Mr. Ajit Deshpande. This fact is not disputed by the learned counsel appearing on behalf of the Bombay Municipal Corporation ('B. M. C.', for short).

3. The question, which falls for consideration in this petition, is - what is the sanctity of the order passed by a person, who had, in fact, never heard the matter ?

4. Faced with most unusual and embarrassing situation, the learned counsel appearing for the B. M. C. fairly submits that the Education Officer of the Corporation would give fresh hearing to the petitioner and pass a fresh order in accordance with law. In this view of the matter, the impugned order is set aside and the petitioner is directed to appear before the concerned officer for passing a fresh order.

5. In order to avoid any further delay, the learned counsel appearing for the petitioner undertakes to appear before the Education Officer, Department of Education, Bombay Municipal Corporation, on 27th June, 2005 at 11.00 a.m. and on any other subsequent date given by the Education Officer. We request the Education Officer to dispose of the matter as expeditiously as possible, and in any event, within four weeks from the date of appearance of the petitioner before the Education Officer.

6. No further directions are necessary, and this Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.